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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,810	11/24/2003	Hayami Nakagawa	0649-0931P	3459

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,810

Applicant(s)

NAKAGAWA, HAYAMI

Examiner

Gregory J. Strimbu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-7, drawn to a door, classified in class 049, subclass 502.
- II. Claim 8, drawn to a method of assembling a door, classified in class 049, subclass 506.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process, such as inserting the base plate on the outer surface of the inner panel.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Charles Gorenstein on August 18, 2004 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-7. Affirmation of this election must be made by applicant in replying to this Office action. Claim 8 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Drawings

The drawing corrections filed November 2, 2004 have been approved.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to include the base plate aspect of the invention.

Claim Objections

Claim 16 is objected to because it fails to end with a period. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation "to cover the central opening from a vehicle compartment inner side of the inner panel" on lines 3-4 of claim 12 render the claim indefinite because it is unclear how base plate can be located between the inner and outer panels and cover the vehicle compartment inner side of the inner panel.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto et al. Okamoto et al. discloses a door for a vehicle comprising an outer panel 1, an inner panel 2 having longitudinal front, rear and lower edges (not numbered, but shown in figure 1) with a central portion open to form a central opening (not numbered, but shown in figure 1) and a base plate B to which at least a window regulator module 31 is assembled and which is attached to the inner panel so as to wholly cover the central opening of the inner panel, a belt line reinforcement 13.

Claims 1, 5, 9-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakaguchi et al. Sakaguchi et al. discloses a door for a vehicle comprising an outer panel 13, an inner panel 20, 21, 22 having longitudinal front, rear and lower edges (not numbered, but shown in figure 2) with a central opening (not numbered, but shown in figure 2) and a base plate 12 to which at least a window regulator module 50 is assembled and which is attached to the inner panel so as to wholly cover the central opening of the inner panel wherein the base plate is attached to the inner panel so as to cover the central opening from a vehicle compartment outer side of the inner panel, a belt line reinforcement 44.

Response to Arguments

Applicant's arguments filed November 2, 2004 have been fully considered but they are not persuasive.

With respect to the applicant comments concerning Okamoto et al., the examiner respectfully disagrees. Okamoto et al. on line 34 of column 3 is merely referring to different sections of the same part 2. Even if Okamoto et al. were to have disclosed different sections, the different sections are all connected together to form the inner panel 2 as shown in figure 1. Even though the door glass module B is referred to as an inner panel by Okamoto et al., it still equates to the applicants base plate. The reinforcing member 13 is clearly attached to the base plate as shown in figure 1. Even if the reinforcing member was not attached directly to the base plate, the reinforcing member is attached to the base plate when all the elements of Okamoto et al. are attached together to form the vehicle door.

With respect to the applicant comments concerning Sakaguchi et al., the examiner respectfully disagrees. Sakaguchi et al. clearly discloses a base plate 12 merely because the base plate 12 includes another base plate 55 does not prevent the base plate 12 as being referred to as a base plate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
January 24, 2005